

To: Bertrand, Charlotte[Bertrand.Charlotte@epa.gov]
Cc: Tyler, Tom[Tyler.Tom@epa.gov]; Baptist, Erik[Baptist.Erik@epa.gov]; Henry, Tala[Henry.Tala@epa.gov]; Beck, Nancy[Beck.Nancy@epa.gov]
From: Morris, Jeff[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=55C34872E6EA40CAB78BE910AEC63321-MORRIS, JEFF]
Sent: Tue 3/12/2019 6:59:44 PM (UTC)
Subject: Re: March 13 hearing.

Thanks. I also like high level, but if we do go with something like what I've suggested, I want to verify with Tala that we've issued a SNUR with PPE mirroring SDS language.
Sent from my iPad

On Mar 12, 2019, at 2:52 PM, Bertrand, Charlotte <Bertrand.Charlotte@epa.gov> wrote:

Bringing in Nancy

Sent from my iPhone

On Mar 12, 2019, at 2:45 PM, Morris, Jeff <Morris.Jeff@epa.gov> wrote:

I think we can give examples without citing specific PMNs. Something like: Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

But I want Tala to weigh in to be sure I'm correct.

Sent from my iPad

On Mar 12, 2019, at 2:38 PM, Tyler, Tom <Tyler.Tom@epa.gov> wrote:

Erik –

I think that could be helpful but also realize Alex is looking for specific examples. Might need to run by her as well, at least to see whether her desire for specifics is only driven by Aaron's notion (which, as you note, might not be as applicable here).

My understanding, which may be limited, is that the Agency wants to be on the record making a broadly credible argument that it is, indeed, taking appropriate steps to protect workers. It seems to me that the hearing is pretty baked but that giving the committee leaders the opportunity/obligation to note that EPA reached out beforehand making the case that is protecting workers is a good, proactive strategy, including possibly to cue up further dialogue.

Best,
Tom

THOMAS LOY TYLER, ESQ. ACTING CHIEF OF STAFF
OFFICE OF CHEMICAL SAFETY AND POLLUTION PREVENTION
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1200 PENNSYLVANIA AVENUE NW (MC 7101M), WASHINGTON, DC 20460
W202.566.0808 C202.770.6608 TYLER.TOM@EPA.GOV OSCPP/IO 3148A EAST

From: Baptist, Erik
Sent: Tuesday, March 12, 2019 2:25 PM

ED_002682_00255255-00001

To: Tyler, Tom <Tyler.Tom@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>

Cc: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff

<Morris.Jeff@epa.gov>

Subject: RE: March 13 hearing.

Apologies for just chiming in, but I want to take a step back and ask a few preliminary questions about our letter. What are we trying to accomplish? If it is to sway those calling for this hearing, I think that is not going to happen overnight. If it's to tell our story, then we should frame it in a way that speaks at a high level in a favorable light to the agency. In this instance, less specificity (and not highlighting any particular PMN) would be ideal. I am happy to speak with Aaron to explain why less is more here. He does not have the substantive background to understand the scope/ramifications of his request.

Erik Baptist

Deputy Assistant Administrator
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From: Tyler, Tom

Sent: Tuesday, March 12, 2019 2:19 PM

To: Henry, Tala <Henry.Tala@epa.gov>

Cc: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik

<Baptist.Erik@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>

Subject: RE: March 13 hearing.

I understand and I think we want to say that: That we, in considering worker safety, consider the OSHA requirements in place. That we do consider them to be sure they are adequate is indicative of us working to ensure worker safety, within our authority. Maybe we could mention a recent example where we did that analysis and ensured worker safety within our authority by doing so, even though we did not impose any requirements additionally? I think we want to make the point that, even when we aren't imposing additional requirements, we are fulfilling the letter and spirit of the law that we consider and protect worker safety within our authority regulating chemicals, and to give an example or two if possible. Can we?

Or can you see some alternative way of providing what Alex (and OCIR) is seeking here?

Thanks!

Tom

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W202.566.0808 C202.770.6608 TYLER.TOM@EPA.GOV OSCPP/IO 3148A EAST

From: Henry, Tala

Sent: Tuesday, March 12, 2019 2:07 PM

To: Tyler, Tom <Tyler.Tom@epa.gov>

Cc: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik

<Baptist.Erik@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>

Subject: RE: March 13 hearing.

When we are comfortable relying on OSHA requirements, we would NOT issue an Order or a SNUR ... that is the point.

Only when we are not.

Tala R. Henry, Ph.D.
Acting Deputy Director
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E: henry.tala@epa.gov

From: Tyler, Tom
Sent: Tuesday, March 12, 2019 1:30 PM
To: Henry, Tala <Henry.Tala@epa.gov>
Subject: FW: March 13 hearing.
Importance: High

Hi, Tala –

Any hope of providing such examples? I'm thinking we might point out that we consider OSHA PPE requirements (which is true and acknowledges their authority) but that in extreme situations we are able to reinforce or add to PPE requirements or to require them even if OSHA does not (or something in this vein)? In terms of newer rules, can we cite any where we rely upon OSHA requirements? And if we have ever required more (or the first) PPE, can we list those? I realize you recommend avoiding discussing PPE, but OCIR and Alex want examples and I'm trying to figure out how to include several. Please advise – Thanks!

Tom

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From: Dunn, Alexandra
Sent: Tuesday, March 12, 2019 12:34 PM
To: Henry, Tala <Henry.Tala@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Block, Molly <block.molly@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Konkus, John <konkus.john@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>
Subject: RE: March 13 hearing.

Definitely getting better. Thanks Tala. I would like to ask OPP and OPPT to give an example each even more specific. For example, in new EPA regulations promulgated under EPA requires applicators of xxx pesticide to xxxx or how we looked at the risk to

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applicators/workers and how the final rule addressed workers.

How about something public around a new chemical reviewed under TSCA? IE a SNUR can require: use of worker personal protective equipment (PPE); new chemical exposure limits (NCEs) for worker protection; and hazard communication language – all of which can protect workers. Can we cite to any public SNURS?

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From: Henry, Tala
Sent: Tuesday, March 12, 2019 12:26 PM
To: Ringel, Aaron <ringel.aaron@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Block, Molly <block.molly@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Konkus, John <konkus.john@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>
Subject: RE: March 13 hearing.

Attached are OPPT Responses.
Also, have cc'd Rick Keigwin for OPP.

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T: 202-564-2959
E: henry.tala@epa.gov

From: Ringel, Aaron
Sent: Tuesday, March 12, 2019 11:58 AM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Block, Molly <block.molly@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Konkus, John <konkus.john@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: RE: March 13 hearing.

Here's an updated version of the letter with our edits and comments. As we note, it

really needs substantive examples of what real world results we see at the end of the process described in the current letter that will be compelling and change the narrative that is being put out during this hearing.

OCSPP/OPPT, can you provide factual examples of the work we've done that has led to increased worker protection or ensuring these standards are met that we can include?

-Aaron

From: Ringel, Aaron
Sent: Tuesday, March 12, 2019 11:02 AM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Block, Molly <block.molly@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Baptist, Erik <baptist.erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Konkus, John <konkus.john@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>
Subject: RE: March 13 hearing.

Thanks, I've taken a run at it and having my team do a pass as well. Will send an updated version shortly but would like to get everyone thinking about potential examples of worker protection actions in all OCSPP/EPA activities we have taken that can be cited as well.

Right now we outline the program and the worker protection requirements we carry out in executing it, not the real world results we see at the end of the process that will be compelling and change the narrative that is being put out during this hearing.

-Aaron

From: Beck, Nancy
Sent: Tuesday, March 12, 2019 8:07 AM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Block, Molly <block.molly@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Ringel, Aaron <ringel.aaron@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Konkus, John <konkus.john@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>
Subject: RE: March 13 hearing.

A few little tweaks and a comment for consideration

Nancy B. Beck, Ph.D., DABT
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P: 202-564-1273
beck.nancy@epa.gov

From: Dunn, Alexandra
Sent: Tuesday, March 12, 2019 7:52 AM

To: Block, Molly <block.molly@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Ringel, Aaron <ringel.aaron@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Konkus, John <konkus.john@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>

Subject: RE: March 13 hearing.

Here is the draft letter. One question for the OCSPP team, otherwise please provide all edits to Tom Tyler, Acting COS for OCSPP. Aaron we'll work with you to ensure it is ready to go up to the Hill when you say.

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From: Block, Molly
Sent: Monday, March 11, 2019 7:55 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Ringel, Aaron <ringel.aaron@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Konkus, John <konkus.john@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>
Subject: Re: March 13 hearing.

Adding Travis and Joe.

Sent from my iPhone

On Mar 11, 2019, at 7:54 PM, Dunn, Alexandra <dunn.alexandra@epa.gov> wrote:

The letter is drafted. I'm reviewing & will send first thing early am.

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, DC

Sent from my iPhone

On Mar 8, 2019, at 9:58 AM, Ringel, Aaron <ringel.aaron@epa.gov> wrote:

Also, looping in the OPA team. Might be worth having a press statement in the hopper refuting a lot of what we know is going to come out of the hearing for release right before it begins or immediately afterwards.

-Aaron

From: Ringel, Aaron

Sent: Friday, March 8, 2019 8:49 AM
To: Beck, Nancy <Beck.Nancy@epa.gov>
Cc: Dunn, Alexandra <dunn.alexandra@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: Re: March 13 hearing.

Alex, let's discuss today when you have a moment. Looping in Troy as well.

Thanks!
Aaron

Sent from my iPhone
On Mar 8, 2019, at 7:39 AM, Beck, Nancy
<Beck.Nancy@epa.gov> wrote:

I'm presuming they would want us to have something—the scope is looking pretty broad. Aaron can provide further details-looping him in.

So far I'm hearing it will be:
Teachers union- PCBs, lead in schools
Firefighters- PFOA
UAW-framework rules
Academics (likely David Michaels)
United Farmworkers- pesticides

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From: Dunn, Alexandra
Sent: Friday, March 8, 2019 7:22 AM
To: Beck, Nancy <Beck.Nancy@epa.gov>
Cc: Baptist, Erik <Baptist.Erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>
Subject: Re: March 13 heading.

I'm checking with OCR I would like to have a statement or some document that we could produce providing our point of view on the subject of the hearing.

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety & Pollution Prevention
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Washington, DC

Sent from my iPhone
On Mar 8, 2019, at 7:14 AM, Beck, Nancy
<Beck.Nancy@epa.gov> wrote:

[https://energycommerce.house.gov/
committee-activity/hearings/hearing-
on-mismanaging-chemical-risks-epa-
s-failure-to-protect-workers](https://energycommerce.house.gov/committee-activity/hearings/hearing-on-mismanaging-chemical-risks-epas-failure-to-protect-workers)

My understanding is that they don't
intend to invite EPA.

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